

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

ORDER NO. R2-2003-0093

**GENERAL WASTE DISCHARGE REQUIREMENTS
FOR CONFINED ANIMAL FACILITIES**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereafter Regional Board), finds that:

1. Pursuant to the Porter-Cologne Water Quality Control Act (California Water Code (CWC) Division 7), the Regional Board regulates the discharge of wastes that could affect the quality of the waters of the State to ensure protection of the beneficial uses of both surface water and groundwater and the prevention of nuisances. Confined animal facilities (CAFs) as described herein represent a significant source of waste discharges in the San Francisco Bay Region (Region).
2. Within the Region, the primary types of confined animal facilities include cow dairies, horse facilities, goat dairies, and egg, chicken, and/or turkey production facilities, with the majority of animal waste produced by cow dairies within the Counties of Marin and Sonoma. Title 27 of the California Code of Regulations (CCR) Section 20164 defines a CAF as “... *any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing.*”
3. Owners and operators of CAFs discharging, or proposing to discharge, waste from a CAF in any manner that could affect the quality of the waters of the State within the Region and who have been designated by the Regional Board are hereinafter referred to as “Discharger” and are subject to the terms and conditions of this Order (See Attachment B., Designated Discharger List).
4. California regulations governing discharges from CAFs are contained in Title 27 CCR Sections 22560-22565 (hereafter, the “Statewide Minimum Standards”- Attachment E.). These Statewide Minimum Standards require containment of manure, wash water, and storm water runoff from animal confinement areas. The Statewide Minimum Standards are the *minimum* standards for discharges of animal waste at CAFs and must be implemented in waste discharge requirements or must be made a condition to the waiver of such requirements.
5. This Order implements the requirements of the Statewide Minimum Standards for confined animal facilities.
6. CWC Section 13263(i) authorizes the Regional Board to issue general Waste Discharge Requirements (WDRs) that meet specified criteria. The criteria include the following:

- a. Waste discharges involving the same or substantially similar types of operations,
 - b. Discharge the same or similar types of waste,
 - c. Require the same or similar treatment standards, and
 - d. Are more appropriately regulated under a general permit than individual permits.
7. The Regional Board finds that it is appropriate to issue general WDRs for certain CAFs because: waste discharges involve the same or substantially similar types of operations, namely operations where animals are confined and wastes are managed by onsite storage, land application, or removal offsite; they discharge the same or similar types of waste, primarily animal waste; state regulations impose the same effluent limitations and operating conditions on CAFs; they have the same types of potential impacts to surface and groundwater and, therefore, require the same or similar monitoring; and given that the list of Dischargers in Attachment B all require additional regulatory oversight for similar waste management issues, they are more appropriately regulated under general WDRs rather than individual WDRs. The Regional Board, however, may determine that individual CAFs are not appropriately regulated under general WDRs and will require such Dischargers to obtain individual WDRs.
 8. The Regional Board has adopted a Water Quality Control Plan (Basin Plan) for the San Francisco Bay Region. The Basin Plan specifies water quality objectives and beneficial uses for surface and ground waters in the San Francisco Bay Region. Beneficial uses of waters in the San Francisco Bay Region that could be impacted by the discharge of dairy wastes include: municipal and domestic water supply, agricultural water supply, groundwater recharge, estuarine habitat, marine habitat, preservation of rare and endangered species, water contact recreation, noncontact water recreation, shellfish harvesting, cold freshwater habitat, warm freshwater habitat, wildlife habitat, and preservation of areas of special biological significance.
 9. The Basin Plan directs the Executive Officer to work with the dairy industry through local dairy waste committees and local/state agencies in obtaining cooperative corrections of dairy waste problems. The Basin Plan also recommends adoption of WDRs in those cases where water quality objectives for waters within an agricultural watershed are consistently exceeded, or where corrective action is not yet successful in eliminating either short- or long-term water quality problems or threats. This Order is consistent with the Basin Plan since these general WDRs apply to those facilities not currently in compliance with the Statewide Minimum Standards.
 10. Most CAFs within the Region have historically operated under Regional Board Resolution No. 83-3, which established conditions for waiving WDRs for specific types of discharges, including those from CAFs where proper waste control facilities in place and management practices were in conformance with the Statewide Minimum Standards.

11. Regional Board Resolution No. 83-3 expired by operation of CWC Section 13269; however, by Resolution No. R2-2003-0094, the Regional Board renewed the waiver, with conditions, as to existing discharges with proper waste control facilities and management practices in conformance with the Statewide Minimum Standards.
12. This Order applies to those existing facilities not meeting the terms and conditions of the Regional Board's renewed waiver of WDRs for CAFs, Resolution No. R2-2003-0094. Those facilities include those designated in Attachment B through Board staff investigations, as well as those existing facilities that may in the future be designated by the Executive Officer as not eligible for coverage under Resolution No. R2-2003-0094. Coverage under this Order will continue until the Discharger demonstrates three years of consecutive compliance with this Order, and completes at least one educational program approved by the Executive Officer, after which the Discharger may seek coverage under the waiver of WDRs. A shorter demonstration period may be approved by the Executive Officer given circumstances that merit special consideration.
13. CAFs generate waste that include, but are not limited to: manure; wash water; stormwater runoff from corrals, pens, and other animal confinement areas; runoff from irrigated pastures; bedding materials; silage; and detergents, disinfectants, and biocides. Waste from such facilities can contain significant amounts of pathogens, oxygen-depleting organic matter, sediment, nitrogen compounds, and other suspended and dissolved solids.
14. Waste generated at confined animal facilities is stored in waste ponds, in corrals, and/or in waste piles. The wastes are then applied to on-site cropland or pastures or transported off-site. The wastes are a source of water and nutrients to crops and pastures, but if improperly managed they can create nuisance conditions and cause pollution of surface and ground waters. Adverse impacts on the aquatic habitat may include nutrient enrichment resulting in algal blooms, organic waste loading resulting in lowered oxygen levels, siltation of gravel areas that can eliminate fish habitat, high levels of ammonia that are toxic to fish and aquatic invertebrates, and raised levels of nitrates and other salts in groundwater.
15. State Water Board Resolution 68-16 (*"Statement of Policy with Respect to Maintaining High Quality of Waters in California"*) requires that any activity that discharges waste must be required to meet WDRs, which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with the maximum benefit to the people of the State will be maintained. Resolution 68-16 must be implemented consistent with the federal "antidegradation" policy (Title 40 CFR Section 131.12). This Order prohibits discharges of waste to surface waters except in specified circumstances that are consistent with federal regulations, prohibits the discharge of waste that causes pollution or nuisance, requires Dischargers to manage waste and waste disposal to prevent degradation of groundwater, and requires Dischargers to manage waste to minimize odors and prohibit nuisance conditions. The Regional Board finds that under normal operating conditions:

- a. The discharge conditions and effluent limitations established in this Order will ensure that the existing beneficial uses and quality of waters of the State in the Region will be maintained and protected, and
 - b. Discharges regulated by this Order will not degrade existing water quality if the terms and conditions of this Order are met.
16. The Regional Board is the lead agency under the California Environmental Quality Act (Public Resources Code Section 21000 et seq.)(CEQA) with respect to adoption of this Order.
 17. Since this Order applies to existing facilities, as of this Order's adoption date, involving negligible or no expansion of use, this action to adopt this Order is categorically exempt from the requirements of CEQA under 14 California Code of Regulations (CCR) Section 15301.
 18. CWC Section 13267 authorizes the Regional Board to require the preparation and submittal of technical reports, including monitoring and reporting programs. This Order's monitoring and reporting program is necessary to assure compliance with its terms and provisions.
 19. The Regional Board has publicly notified interested agencies and persons of its intent to issue this Order for discharges of wastes from CAFs, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
 20. The Regional Board, in a public meeting, heard and considered all comments pertaining to discharges of wastes from CAFs proposing to be regulated under this Order.

IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of designated waste or hazardous waste, as defined in Section 2521(a) of Title 23, CCR, at the Discharger's facility is prohibited.
2. The treatment, storage, or disposal of waste, including the discharge of storm water contacting wastes, at the facility shall not cause a condition of nuisance, contamination, or pollution of surface water or groundwater as defined in Section 13050 of the California Water Code.
3. The direct and indirect discharge of waste from an animal production area to any surface water body, or tributary thereof, is prohibited unless a rainfall event causes overflow from a storage facility properly designed, constructed, maintained, and operated to contain all process generated wastewater plus runoff that is likely to accumulate during the wettest winter in a 25-year period.

4. The disposal of dead animals at any Discharger's facility is prohibited unless a Report of Waste Discharge for the disposal has been submitted to the Executive Officer, the Regional Board has issued or waived WDRs, and the disposal complies with all State and local laws and regulations.
5. The discharge of waste to lands not owned or controlled by the Discharger(s) without written permission from the landowner and in a manner not approved by the Executive Officer is prohibited.
6. All animals shall be prevented from entering any surface water within the confined area.

B. WASTE DISCHARGE SPECIFICATIONS

1. Manure ponds and containment facilities shall be designed and/or reconstructed as necessary to accommodate the waste water flow and storm water contacting manured areas, that is likely to accumulate in the wettest winter that may occur in a 25-year period. Management of such containment facilities shall be in accordance with a site-specific Waste Management Plan (WMP - See Provision Nos. C.4. & C.5.).
2. In addition to manure waste and waste water generated from storm water contacting manured areas, the Discharger must properly contain and manage all other wastes including, but not limited to, silage leachate, dead animals, waste milk, veterinary medical waste, spoiled feed, bedding, and any precipitation contacting these materials. Specific pollution prevention measures must be included in the facility's WMP.
3. All precipitation and surface drainage outside of manured areas, including that from roofed areas and tributary drainages, shall be diverted away from manured areas, unless such drainage is fully contained. Precipitation and surface runoff that has not come into contact with animal feed material, manure, or other waste material may be discharged to cropland or surface water drainage courses.
4. Retention ponds must comply with the minimum standards contained in Title 27 CCR Section 22562(d) (i.e., shall be lined with, or underlain by, soils which contain at least ten (10) percent clay and not more than ten (10) percent gravel or artificial materials or materials with equivalent impermeability) or include additional lining materials necessary to comply with this Order's Discharge Prohibition No. 2.
5. Retention ponds and manured areas at CAFs in operation on November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak flows. CAFs existing before November 27, 1984, and that are protected against 100-year peak stream flows must continue to provide such protection. New CAFs, or portions thereof, that began operating after November 27, 1984, shall be protected against 100-year peak stream flows.

6. Discharges to land of solid and liquid waste shall be conducted in such areas that prevent the discharge of waste to surface waters or flood-prone areas and shall be managed to minimize percolation to ground water.
7. Discharges to land of solid or liquid waste shall be at rates that are reasonable for crop, soil, climate, special local situations, management system and type of manure. The total nutrient loading shall not exceed the amount needed to meet crop demand and shall be in accordance with the facility's WMP.
8. Spreading of manure and pond clean-out shall occur annually, at a minimum, and should be conducted prior to October 15.
9. Uncovered feeding and/or confined loafing areas must be scraped/cleaned prior to each storm event and should be conducted prior to October 15, unless all storm water contacting these areas is contained.
10. Manure and waste water discharges to land, including spray irrigation, shall be conducted during non-rainy or non-saturated conditions.
11. Waste containment ponds shall be managed to have sufficient freeboard, but in no case less than two feet (measured vertically, from the water surface up to the point on the surrounding berm or dike having the lowest elevation) and shall be designed and constructed to prevent overtopping as a result of windy storm conditions. Lesser freeboard may be approved by the Executive Officer if documented by a registered civil engineer that structural integrity and required capacity will not be compromised with the proposed freeboard.
12. All confined animals shall be fenced or excluded from creeks or perennial streams passing through the confined area. Creek crossings shall be bridged in a manner that prevents animal waste from entering the waterway.
13. Manured areas shall be managed to minimize infiltration of water into underlying soils.

C. PROVISIONS

1. Those initially designated dischargers who are required to be regulated under this Order are listed in Attachment B. and shall submit a completed Report of Waste Discharge (ROWD), an appropriate filing fee, and other information deemed necessary by the Executive Officer, within 90 days from adoption of this Order (See Attachment C.). Other existing dischargers that the Executive Officer subsequently determines need coverage under this Order, shall submit a complete ROWD with the appropriate filing fee **within 90 days of being notified to comply with this Order.** After receiving and determining that the Discharger has submitted a complete ROWD and fee, the Executive Officer shall advise the Discharger whether the facility is covered by this Order.

2. The Discharger shall comply with all applicable provisions of the CWC, Title 27, and the Basin Plan.
3. The Discharger shall comply with Monitoring and Reporting Program No. R2-2003-0093 (Attachment A.) and any subsequent amendments made thereto, or with an individual monitoring and reporting program, as specified by the Executive Officer.
4. The Discharger shall develop and implement a Waste Management Plan (WMP) acceptable to the Executive Officer (as specified in Attachment D.), **within 90 days from the adoption of this Order, or from being notified to comply with this Order.** If the Discharger's facility requires additional structural improvements to comply with this Order, a detailed improvement schedule, acceptable to the Executive Officer, must be included within the WMP.
5. The portions of the WMP related to manure containment and structural facility specifications shall be prepared and certified by a civil engineer who is registered pursuant to California law or other person as may be permitted under the provisions of the California Business and Professions Code to assume responsible charge of such work. The portions of the WMP related to nutrient management shall be developed by a appropriately certified or licensed professional such as a Professional Soil Scientist, Professional Agronomist, Professional Crop Scientist, or certified Crop Advisor. The Executive Officer is hereby authorized to make necessary revisions to the guidelines for the preparation of a WMP outlined in Attachment D.
6. Prior to the use of any new waste retention ponds, the Discharger shall submit a report verifying that the liner meets the requirements of this Order. Waste shall not be placed into a retention pond until after the Executive Officer notifies the Discharger in writing that the report is acceptable.
7. If plans for animal waste disposal include application onto property not under the control of the Discharger, a copy of the written agreement from the property owner, which is acceptable to the Executive Officer and which includes plans for the use and management of the offsite disposal area, shall be provided to the Regional Board.
8. Following a storm event, the Discharger shall restore the wastewater holding capacity of retention ponds, if necessary, in a timely manner and in a manner consistent with the WMP.
9. All discharges from the CAF must comply with the lawful requirements of all municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or to other courses under their jurisdiction that are no less stringent than the requirements of this Order.

10. The Discharger shall comply with all Federal, State, County, and local laws and regulations pertaining to the discharge of wastes from the facility that are no less stringent than the requirements of this Order.
11. Upon cessation of confined animal operations at the CAF, all manure and animal waste impacted soil, including such soil within the retention pond(s), is to be disposed of appropriately so as not to pose a threat to surface water or groundwater quality or create a condition of nuisance.
12. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the Discharger from liabilities under Federal, State, or local laws, nor guarantee the Discharger a capacity right in receiving waters.
13. In accordance with CWC Section 13263(g), "No discharge of waste into the waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights."
14. An authorization to discharge wastes under this Order is not transferable to any person without written authorization from the Executive Officer. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the Discharger, the Discharger shall notify the succeeding owner(s) or operator(s) of the existence of this Order by letter, a copy of which shall be forwarded to the Board.
15. In addition to the requirements of this Order, the Discharger shall take all other reasonable steps to minimize or prevent any discharge that has a reasonable likelihood to adversely affect human health or the environment.
16. The Regional Board and other authorized representatives shall be allowed:
 - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order;
 - b. Access to copy any records that are kept under the conditions of this Order;
 - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order.
17. The Discharger shall maintain a copy of this Order and the WMP at the site so as to be available at all times to site-operating personnel. The Discharger shall ensure that all site-operating personnel are familiar with the content of this Order and the WMP.
18. The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the

application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.

19. Compliance determination with the terms of this Order shall be based on the following:

- a. Periodic inspections by Regional Board staff;
- b. Evaluation of the annual report submitted according to the attached Monitoring and Reporting Program; and
- c. Any other information deemed necessary by the Executive Officer.

20. The Executive Officer may require, as appropriate, additional management practices and/or monitoring on a site specific or watershed basis. Future management practices and/or monitoring requirements may also be imposed by the Executive Officer, within federal Clean Water Act (CWA) Section 303(d) Water Bodies, listed as impaired by constituents that may be present in waste from CAFs.

D. PERMIT REOPENING, REVISION, REVOCATION, AND RE-ISSUANCE

1. The Board may modify or revoke and reissue this Order at any time.
2. In the event of any change in operation, control or ownership of land or waste discharge facilities, the Discharger shall immediately notify any succeeding owner/operator of its responsibility to comply with this Order. A copy of such notice shall be submitted to the Regional Board in order for the original Discharger to be relieved of its responsibility to comply with this Order. In order to continue the discharge pursuant to this Order, the succeeding owner/operator must submit a completed ROWD to the Regional Board within fifteen days of receipt of such notice, and receive approval by the Board's Executive Officer.
3. In the event of closure or change in land use of the Discharger's facility, the Discharger shall file a Notice of Termination (NOT) acceptable to the Executive Officer. Prior to NOT approval, all manure and animal waste impacted soil is to be disposed of appropriately so as not to pose a threat to surface water or groundwater quality or create a condition of nuisance.
4. If more stringent requirements are necessary to implement or be consistent with any total maximum daily load adopted by the Board to achieve applicable water quality standards pursuant to Section 303 of the federal CWA, or amendments thereto, the Regional Board will revise and modify this Order.
5. This Order may be reopened to address any changes in State or federal plans, policies, or regulations that would affect the quality requirements for the discharges and as authorized by federal and State law.

6. A Discharger covered under this Order may request a waiver of WDRs following a minimum of three years of consecutive compliance with this Order and proof of completion of at least one educational program approved by the Executive Officer. A shorter demonstration period may be approved by the Executive Officer given circumstances that merit special consideration.
7. The Executive Officer may at any time terminate coverage under this Order as to a particular Discharger where the Discharger fails to comply with this Order or determines, based on changes to the Discharger's facility, that coverage under individual WDRs is more appropriate.

E. PENALTIES

1. Section 13350 of the CWC provides that any person who violates WDRs or a provision of the CWC is subject to civil penalties of up to \$15,000 per day of violation, or up to \$20 per gallon of waste discharged. Alternatively, administrative civil liability may be imposed up to \$5,000 per day of violation or \$10 for each gallon of waste discharged.
2. Section 13387(e) of the CWC provides that any person who knowingly makes any false statement, representation, or certification in any record, report, plan, notice to comply, or other document filed with a regional board or the State Water Board, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required under this division shall be punished by a fine of not more than \$25,000, or by imprisonment in the state prison for not more than two years, or by both.

F. REQUIRED REPORTS AND NOTICES

1. Reporting Provisions:
 - a. All ROWDs, applications, annual reports, or information submitted to the Regional Board shall be signed and certified under penalty of law.
 - b. Any Discharger authorized to discharge waste under this Order shall furnish, within a reasonable time, any information the Regional Board may request, to determine whether cause exists for modifying, revoking, and reissuing, or terminating its authorization for this Order. The Discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
 - c. All reports prepared in accordance with the terms of this Order shall be available for public inspection at the offices of the Regional Board. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 13387 of the CWC.


2. The Discharger shall report any noncompliance that endangers human health or the environment within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board office and to the California Office of Emergency Services (OES). During non-business hours, the Discharger shall leave a message on the Regional Board's office voice mail. The message shall include the time, date, and place of the discharge. The OES is operational 24 hours a day. A written report shall be submitted to the Regional Board office within five (5) business days of the Discharger becoming aware of the incident. The report shall include complete details of the steps that the Discharger has taken or intends to take, in order to prevent recurrence. The written submission shall, at a minimum, contain:
 - a. The approximate date, time, and location of the discharge;
 - b. A description of the noncompliance and its cause;
 - c. The flow rate, volume, and duration of the discharge;
 - d. A description of the noncompliance, its causes, duration, if the noncompliance has been corrected and/or the actual or anticipated time for achieving compliance.
 - e. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of such discharges.
3. The Discharger shall submit a ROWD to the Regional Board at least 180 days prior to any changes or proposed changes in:
 - a. The control, ownership, operation, or location of the facility;
 - b. The character, location, volume, or disposal methods of waste discharges;
 - c. The size of the facilities; and
 - d. The size of the animal population, if it increases beyond the existing design capacity of the facility specified in the nutrient budget analysis of the WMP (Attachment D.).
4. The Discharger shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order.
5. The Discharger may be required to submit technical reports as directed by the Executive Officer in accordance with CWC Section 13267.

G. APPLICATION REQUIREMENTS

1. This Order applies to those existing facilities not meeting the terms and conditions of Resolution No. R2-2003-0094. Those facilities include those designated in Attachment B. through Board staff investigations, as well as those existing facilities that may in the future be designated by the Executive Officer as not eligible for coverage under Resolution No. R2-2003-0094.

2. Those initially designated dischargers who are required to be regulated under this Order shall submit a completed ROWD, an appropriate filing fee, and other information deemed necessary by the Executive Officer, within 90 days from adoption of this Order (see Attachment C.). Other existing dischargers that the Executive Officer subsequently determines need coverage under this Order, shall submit a complete ROWD with the appropriate filing fee **within 90 days of being notified to comply with this Order.**

I, BRUCE H. WOLFE Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 15, 2003.



BRUCE H. WOLFE
Executive Officer

Attachments:

- A. Monitoring and Reporting Program No. R2-2003-0093
- B. Designated Discharger List
- C. Report of Waste Discharge - Supplemental Information Needed
- D. Waste Management Plan for Confined Animal Facilities - Minimum Requirements
- E. Title 27 - Statewide Minimum Standards for Discharges of Animal Wastes

ATTACHMENT A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

MONITORING AND REPORTING PROGRAM NO. R2-2003-0093 FOR CONFINED ANIMAL FACILITIES

This Monitoring and Reporting Program (MRP) is issued pursuant to California Water Code (CWC) Section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Executive Officer. For purposes of evaluating compliance with the limitations of Order No. R2-2003-0093, the Discharger(s) shall conduct monitoring and reporting as specified below.

A. MONITORING PROVISIONS

1. The Discharger(s) shall inspect the production area **weekly** including all waste containment facilities, pumping equipment, water lines, and confined areas, and note any discharges from property under the control of the Discharger. The results of all inspections shall be recorded and maintained on-site for a period of three years. Any discharges shall be reported in accordance with Reporting Requirement B.1 below.
2. The Discharger(s) shall measure the freeboard **weekly** within each liquid manure storage structure using a depth marker. Freeboard shall be the vertical distance from the pond surface to the lowest elevation of the surrounding berm or the bottom of the spillway and shall be measured to the nearest 0.1 foot. The results of freeboard monitoring shall be recorded and maintained on-site for a period of three years.
3. The following inspections shall be conducted prior to anticipated storm events, during extended storm events and after actual storm events, **or at a minimum, on a monthly basis during dry conditions**. The results of all inspections shall be recorded and maintained on-site for a period of three years and be reported in each annual monitoring report.
 - a. Inspect all storm water/waste containment structures. These structures shall be inspected for berm integrity, cracking, slumping, excess vegetation, burrowing animals, and seepage. Any discharges shall be reported in accordance with Reporting Requirement B.1 below.
 - b. Inspect the closest receiving water, upstream and downstream of all facilities and disposal areas to monitor any change in water quality resulting from its facility operations. Any change in water quality shall be reported in accordance with Reporting Requirement B.1 below.

- c. Inspect confined areas to ensure that all pollution prevention measures, as specified in the facility's Waste Management Plan, are implemented and effective.
4. The Discharger(s) shall record the approximate time of each storm-related discharge that results in off-property discharges of storm water that has commingled with wastewater, litter, or manure, and the approximate duration and amount of wastes discharged. These records shall be maintained on-site for a period of three years. Such discharges shall be reported in accordance with Reporting Requirement B.1 below.
5. The Discharger(s) shall inspect any cropland on which wastewater is applied at least once daily during each irrigation event, and shall make records of those inspections. The Discharger shall maintain these records on-site for a period of three years and shall report this information in each annual monitoring report. The following shall be documented:
 - a. Descriptions of erosion, field saturation, runoff, or the presence of nuisance conditions in the cropland;
 - b. Identification of crop, acreage, and dates of planting, harvest, and routine maintenance of cropland;
 - c. Dates, location, and approximate volume of wastewater and/or solid waste applied to land;
 - d. Weather conditions at the time of and 24 hours prior to and following waste application; and
 - e. Dates, occurrences, location, and estimated amounts of unauthorized releases from the ponds or cropland either off-property or to surface water drainage courses (such releases shall be reported in accordance with Reporting Requirement B.1 below).
6. Dischargers shall retain records of all monitoring as specified in the Standard Provisions and Reporting Requirements.

B. REPORTING REQUIREMENTS

1. The Discharger shall report any noncompliance that endangers human health or the environment within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board office and to the California Office of Emergency Services (OES). During non-business hours, the Discharger shall leave a message on the Regional Board's office voice mail. The message shall include the time, date, and place of the discharge. The OES is operational 24 hours a day. A written report shall be submitted to the Regional Board office within five (5) business days of the Discharger becoming aware of the incident. The report shall include complete details of the steps that the Discharger has taken or intends to take, in order to prevent recurrence. The written submission shall, at a minimum, contain:

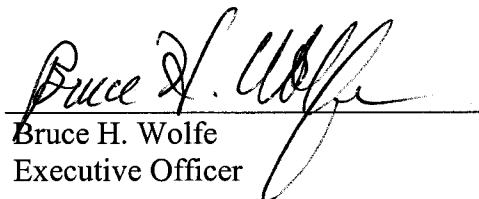
- a. The approximate date, time, and location of the discharge;
 - b. A description of the noncompliance and its cause;
 - c. The flow rate, volume, and duration of the discharge;
 - d. A description of the noncompliance, its causes, duration, if the noncompliance has been corrected and/or the actual or anticipated time for achieving compliance; and
 - e. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of such discharges.
2. The Discharger must submit an Annual Report to the Regional Board including the monitoring records for the previous year. A completed report form, developed by the Regional Board, shall be **submitted by July 1 of each year**.
 3. The Discharger must submit an Annual Pre-rainy Season Certification **by November 15 of each year (starting 2004)**. The report form, developed by the Regional Board, shall include photo documentation of compliance with required preseason pollution prevention measures in all waste containment and confined manured areas.
 4. All monitoring reports shall be certified under penalty of perjury to be true and correct, and shall contain the required information at the frequency designated in this monitoring report.
 5. Each report shall be signed by the Discharger or a duly authorized representative as specified in the Standard Provisions and Reporting Requirements, and shall contain the following statement:

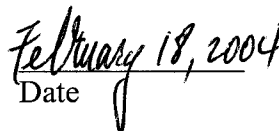
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
 6. Reports shall be submitted to:

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612
Attention: Confined Animal Facility Program

7. The Executive Officer may require, as appropriate, additional monitoring on a site specific or watershed basis. Future management practices and/or monitoring requirements may also be imposed by the Executive Officer, within federal Clean Water Act Section 303(d) Water Bodies, listed as impaired by constituents that may be present in waste from confined animal facilities.

Ordered by:


Bruce H. Wolfe
Executive Officer


Date

ATTACHMENT B

Designated Discharger List

for

Order No. R2-2003-0093

General Waste Discharge Requirements for Confined Animal Facilities

<i>Dairy Name</i>	<i>Owner Name</i>	<i>Address</i>	<i>City</i>	<i>Dairy County</i>
<i>Bettinelli Dairy</i>	Ralph & Connie Bettinelli	4695 Old Adobe Rd	Petaluma	Sonoma
<i>Corda & Sons Dairy</i>	Lester Corda and Sons	5493 Redwood Highway South	Petaluma	Marin
<i>Dolcini Dairy</i>	Philip Dolcini	6970 Red Hill Rd	Petaluma	Sonoma
<i>Kehoe J Ranch</i>	Tim Kehoe	6150 Pierce Pt Rd	Inverness	Marin
<i>Mertens Dairy</i>	Fred Mertens	1100 Bonneau Rd	Sonoma	Sonoma
<i>Montini Dairy</i>	Angie Montini & Sons	501 E Watmaugh Rd	Sonoma	Sonoma
<i>Moreda Springhill</i>	Donald J Jr & Deborah Moreda	3245 Springhill Rd	Petaluma	Sonoma
<i>Silveira Ranches #1</i>	Joe & Tony Silveira	4579 Redwood Highway South	San Rafael	Marin
<i>Silveira Ranches #2</i>	Joe & Tony Silveira	9501 Redwood Highway South	Novato	Marin

ATTACHMENT C

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

REPORT OF WASTE DISCHARGE - SUPPLEMENTAL INFORMATION NEEDED for CONFINED ANIMAL FACILITIES

The Report of Waste Discharge (ROWD) shall include at least the information identified below. It should be noted that this list does not necessarily identify all of the information needed for a complete ROWD. Additional information may be needed, as determined by project staff, based on review of the information submitted.

- ☐ A completed ROWD application form (Form 200). This form include basic information such as name and location of facility; name, address and telephone number of legal owner and operator; type of facility operation (use) and waste; dated signature of applicant or agent, and status of CEQA process for the project.
(Blank copy available on internet at www.swrcb.ca.gov/sbforms/index.html)
- ☐ Descriptions of the confined animal populations normally at your facility, delineating the numbers of milking cows, dry cows, heifers, calves and other livestock.
- ☐ A scaled facility map including: property perimeter, buildings, roadways, land use designations (crops, grazed areas, woodlands, dairy facilities, pastures, confined areas, feeding areas, etc.), topography, creeks, drainages, livestock crossings, waste collection and disposal system (waste conveyances, ponds, pumps, pipes, irrigation/disposal areas, etc.).
- ☐ Calculations of average daily volume of manure and wastewater generated (liquids and solids), including storm water runoff contacting areas that may contain animal waste that would: a) be generated during a 25-year, 24-hour storm event, and b) be likely to accumulate in the wettest winter that may occur in a twenty five-year period. (Information on the 25-year, 24-hour storm event and the wettest winter in a ten-year period in your facility's vicinity should be available from the National Weather Service or from local flood control agencies.)
- ☐ A description of confined manured areas that are scraped or flushed (including corrals and areas covered by roofs), the scraping/flushing frequency, and the average daily volumes of solid and liquid wastes generated in each area.
- ☐ Calculation of existing and required storage capacity. An evaluation of collection system including the use of any sumps, pumps, scraping pits, settling ponds, solids separators, wastewater recycling facilities, waste ponds or other waste containment areas or facilities. Capacity shall be defined in terms of both volume and animal capacity. Indicate whether pumps are activated manually or automatically.
- ☐ If any wastes are disposed off-site, indicate the volume disposed, disposal frequency, the disposal site, and the name of the contractor hauling the wastes.

ATTACHMENT D

Waste Management Plan for Confined Animal Facilities Minimum Requirements

The Waste Management Plan (WMP) must evaluate existing facilities and pollutant sources/problems and describe how these sources will be controlled utilizing Best Management Practices (BMPs). A specific workplan shall delineate short and long-term BMP implementation schedules for bringing all dairy facilities into compliance with the State's minimum standards and the requirements of Order No. R2-2003-0093.

At a minimum, the WMP must include a detailed analysis of your facility's waste management facilities and dairy operations, including the following:

A. General Site Information:

1. Descriptions of the confined animal populations normally at your facility, delineating the numbers of milking cows, dry cows, heifers, calves and other livestock.
2. A facility map including: property perimeter, all existing and proposed land use designations (crops, grazed areas, woodlands, dairy facilities, pastures, confined areas, feeding areas, etc.), topography, creeks / drainages, livestock crossings, waste collection and disposal system (waste conveyances, storage areas, ponds, pumps, pipes, irrigation/disposal areas, etc.).

B. Site Assessment and Improvement Schedule

1. An assessment of the overall facility, evaluating any conditions or problems preventing compliance with the State's minimum standards and/or requirements of Order No. R2-2003-0093 (i.e., overgrazed areas, erosion problems, condition of waste collection system, proximity of confined areas to waterways, etc.).
2. An assessment of the effectiveness of current waste containment and disposal system, in relation to the facility's Nutrient Budget Analysis.
3. An improvement schedule, including short-term corrective measures to immediately address identified pollutant sources, and needed corrective measures that may require a long-term schedule due to logistics and economic considerations. **Such a schedule shall not exceed 3 years.**

C. Nutrient Budget Analysis (waste generation, storage, disposal):

1. Calculations of average daily volume of manure and wastewater generated (liquids and solids), including storm water runoff contacting areas that may contain animal waste that would: a) be generated during a 25-year, 24-hour storm event, and b) be likely to accumulate in the wettest winter that may occur in a 25-year period. (Information on the 25-year, 24-hour storm event and the wettest winter in a 25-year period in your facility's vicinity should be available from the National Weather Service or from local flood control agencies.)
2. A description of confined areas that are scraped or flushed (including corrals and areas covered by roofs), the scraping/flushing frequency, and the average daily volumes of solid and liquid wastes generated in each area.

3. Calculation of existing and required storage capacity. An evaluation of collection system including the use of any sumps, pumps, scraping pits, settling ponds, solids separators, wastewater recycling facilities, waste ponds or other waste containment areas or facilities. Capacity shall be defined in terms of both volume and animal capacity. Indicate whether pumps are activated manually or automatically.
4. An agronomic analysis and nutrient budget shall be developed for each pasture/crop where solid or liquid wastes are applied. Discharges to land of solid or liquid waste shall be at rates that are reasonable for crop, soil, climate, special local situations, management system and type of manure. The total nutrient loading shall not exceed the amount needed to meet crop demand
5. The frequencies that waste containment areas or structures are cleaned out and the responsible party for work.
6. A description and analysis, including application rates, of all **wastewater** disposal methods (i.e., spray irrigation, wastewater recycling, etc.)
7. A description and analysis, including application rates, of all **solid waste** disposal methods (i.e., composting, land spreading, etc.).
8. A description of management measures utilized to prevent off-site waste migration from disposal areas. Discharges to land of solid and liquid waste shall be conducted in such areas that prevent the discharge of waste to surface waters or flood-prone areas and shall be managed to minimize percolation to ground water.
9. If any wastes are disposed off-site, indicate the volume disposed, disposal frequency, the disposal site, and the name of the contractor hauling the wastes.

D. Operations and Management Plan:

A detailed Operations and Management Plan shall be developed in order to comply with all Discharge Prohibitions, Waste Discharge Specifications and Provisions of Order No. R2-2003-0093. This plan shall also include, but not be limited to, the following:

1. Management measures for confined areas including heavily used areas devoid of vegetation, such as travel lanes and feed racks. Estimates for the animal capacity of corrals and pastures that will prevent the loss of ground cover within these areas should be included. Calculations of the residual dry matter, or other appropriate evaluation techniques, should also be performed for these areas.
2. A determination of the facility's overall animal capacity with respect to the considerations outlined above, and which will prevent the discharge of animal waste or polluted storm water to waters of the state.
3. An evaluation of any areas where animals may have access to creek channels and identification of measures both currently used and needed in the future to restrict animal access.
4. A description of waste management procedures for non-manured wastes such as dead animals, medical wastes, spoiled feed and contaminated milk. Dead animals shall be disposed of in accordance with appropriate state, local laws and regulations.

Waste Management Plan for Confined Animal Facilities

5. A description of silage storage areas, and methods of containing silage leachate and storm water contacting the silage storage areas.
6. Methods for diverting clean runoff away from manured areas and waste ponds. Clean runoff includes storm water from roofed areas and surface runoff from non-manured areas.
7. A contingency plan outlining emergency response options for situations such as pipeline breaks, power outage, earthquake and/or flood. The contingency plan shall include names and numbers for emergency waste haulers and pump rental companies, and alternative waste disposal options, such as nearby waste ponds with adequate capacity or municipal waste treatment facilities willing to accept wastewater in an emergency situation.
8. A monitoring plan to include both visual observations and water quality monitoring, including times and conditions under which such monitoring would be done, in accordance with Monitoring and Reporting Program No. R3-2003-0093.

ATTACHMENT E

STATEWIDE WATER QUALITY REGULATIONS FOR CONFINED ANIMAL FACILITIES¹

Subchapter 2. Confined Animals

Article 1. SWRCB - Confined Animal Facilities

§22560. SWRCB - Applicability. (Ch-15: §2560)

(a) **General**—This article prescribes statewide minimum standards for discharges of animal waste at confined animal facilities. These standards shall either be implemented in any WDRs issued for a particular animal waste facility or shall be made a condition to the waiver of such requirements.

(b) **ROWD**—A discharger required to submit a report of waste discharge shall provide the following general information and shall report any material changes as defined in Section 2210 of Title 23 of this code:

- (1) average daily volume of facility wastewater and volume or weight of manure;
- (2) total animal population at the facility, and types of animals;
- (3) location and size of use or disposal fields and retention ponds, including animal capacity; and
- (4) animal capacity of the facility.

(c) **Regulations Are Minimum Standards**—The RWQCB shall impose additional requirements, if such additional requirements are necessary to prevent degradation of water quality or impairment of beneficial uses of waters of the state.

§22561. SWRCB - General Standard For Surface Water. (Ch-15: §2561)

The discharger shall prevent animals at a confined animal facility from entering any surface water within the confined area.

§22562. SWRCB - Wastewater Management. (Ch-15: §2562)

(a) **Design Storm (for Run-On/Run-Off Control)**—Confined animal facilities shall be designed and constructed to retain all facility wastewater generated, together with all precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm.

(b) **Manured Area Run-On Exclusion**—All precipitation and surface drainage outside of manured areas, including that collected from roofed areas, and runoff from tributary areas during the storm events described in &(a), shall be diverted away from manured areas, unless such drainage is fully retained. RWQCBs can waive application of such requirements only in specific instances where upstream land use changes have altered surface drainage patterns such that retention of flood flows is not feasible.

(c) Design Storm (for Flood Protection).

(1) Retention ponds and manured areas at confined animal facilities in operation on or after November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows.

(2) Existing facilities that were in operation on-or-before November 27, 1984, and that are protected against 100-year peak stream flows must continue to provide such protection. Facilities, or portions thereof, which begin operating after November 27, 1984, shall be protected against 100-year peak stream flows.

(3) The determination of peak stream flows shall be from data provided by a recognized federal, state, local, or other agency.

¹ From Title 27, Division 2, Subdivision 1, California Code of Regulations.

(d) **Retention Pond Design**—Retention ponds shall be lined with, or underlain by, soils which contain at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent impermeability.

(e) **Discharge To Disposal/Use Fields**—The RWQCB shall allow the discharge of facility wastewater and of collected precipitation and drainage waters to use or disposal fields only if such discharge is in accordance with B18130. Absent an NPDES permit for discharge to surface waters, the only other allowable discharge is to wastewater treatment facilities approved by the RWQCB.

§22563. SWRCB - Use or Disposal Field Management. (Ch-15: §2563)

(a) **Reasonable Soil Amendment Rate**—Application of manure and wastewater to disposal fields or crop lands shall be at rates which are reasonable for the crop, soil, climate, special local situations, management system, and type of manure.

(b) **Run-Off & Percolation**—Discharges of facility wastewater to disposal fields shall not result in surface runoff from disposal fields and shall be managed to minimize percolation to ground water.

§22564. SWRCB - Management of Manured Areas. (Ch-15: §2564)

Manured areas shall be managed to minimize infiltration of water into underlying soils.

§22565. SWRCB - Monitoring. (Ch-15: §2565)

The RWQCB can require confined animal facility operations to undertake a monitoring program as a condition to the issuance or waiver of WDRs.

CALIFORNIA CODE OF REGULATIONS
TITLE 23. Division 3. Chapter 9. Waste Discharge Reports and Requirements
Article 1. Fees

Section 2200. Annual Fee Schedules

Each person for whom waste discharge requirements have been prescribed pursuant to section 13263 of the Water Code shall submit, to the State Board, an annual fee in accordance with the following schedules. The fee shall be submitted for each waste discharge requirement order issued to that person.

An Ambient Water Monitoring (AWM) surcharge will be added to each individual fee. The AWM surcharge for all discharges pursuant to section (a) Non- National Pollutant Discharge Elimination System (NPDES) and (c) Confined Animal Feeding Operations (CAFO) is 9% of the calculated fee; the surcharge for all discharges pursuant to section (b) NPDES is 18.5% of the calculated fee. The surcharge shall be applied to all permits prior to other surcharges prescribed herein.

(a) Non-NPDES fees: Annual fees for persons issued waste discharge requirement orders for discharges to land under the Waste Discharge Requirements¹ or surface waters not covered by a NPDES permit and Land Disposal² Programs, shall be based on the discharge's fee rating according to the following schedule, plus applicable surcharge(s), except as provided in subdivisions (a)(2) and c.

ANNUAL FEE SCHEDULE FOR DISCHARGES TO LAND			
Threat to Water Quality (TTWQ)	Complexity (CPLX)	Regulatory Programs	
		Waste Discharge Requirements¹	Land Disposal²
1	A	\$38,000	\$26,000 ³
1	B	\$24,000	\$21,000
1	C	\$12,950	\$13,500
2	A	\$8,650	\$11,250
2	B	\$5,200	\$9,000
2	C	\$3,900	\$6,750
3	A	\$3,380	\$4,500
3	B	\$1,800	\$3,375
3	C	\$800	\$1,500

¹ Waste Discharge Requirements (WDRs) are those discharges of waste to land that are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 and that do not implement the requirements of Title 27 of the California Code of Regulations (CCR). Examples include, but are not limited to, wastewater treatment plants, erosion control projects, and septic tank systems.

² Land Disposal WDRs are those discharges of waste to land that are regulated through waste discharge requirements issued pursuant to Water Code Section 13263 and that implement the requirements of CCR Title 27. Examples include, but are not limited to both active and closed landfills and surface impoundments.

³ A surcharge of \$12,000 will be added for Class I Landfills. Class I landfills are those that, during the time they are, or were, in operation, are so classified by the RWQCB under 23 CCR Chapter 15, have WDRs that allow (or, for closed units, allowed) them to receive hazardous waste, and have a permit issued by the Department of Toxic Substance Control under 22 CCR Chapter 10, §66270.1 et seq.

(a)(1) Threat to water quality TTWQ and complexity CPLX of the discharge is assigned by the Regional Board in accordance with the following definitions:

THREAT TO WATER QUALITY

Category "1" – Those discharges of waste that could cause the long-term loss of a designated beneficial use of the receiving water. Examples of long-term loss of a beneficial use include the loss of drinking water supply, the closure of an area used for water contact recreation, or the posting of an area used for spawning or growth of aquatic resources, including shellfish and migratory fish.

Category "2" – Those discharges of waste that could impair the designated beneficial uses of the receiving water, cause short-term violations of water quality objectives, cause secondary drinking water standards to be violated, or cause a nuisance.

Category "3" – Those discharges of waste that could degrade water quality without violating water quality objectives, or could cause a minor impairment of designated beneficial uses as compared with Category 1 and Category 2.

COMPLEXITY

Category "A" – Any discharge of toxic wastes, any small volume discharge containing toxic waste or having numerous discharge points or ground water monitoring, or any Class 1 waste management unit.

Category "B" – Any discharger not included above that has physical, chemical, or biological treatment systems (except for septic systems with subsurface disposal), or any Class 2 or Class 3 waste management units.

Category "C" – Any discharge for which waste discharge requirements have been prescribed pursuant to Section 13263 of the Water Code not included as a Category "A" or Category "B" as described above. Included would be discharges having no waste treatment systems or that must comply with best management practices, discharges having passive treatment and disposal systems, or dischargers having waste storage systems with land disposal.

(a)(2) Dredge and Fill Operation fees shall be assessed as follows, not to exceed \$40,000, plus applicable surcharge(s)⁴.

Type of Discharge	Fees
(i) Fill & Excavation ⁵ Discharges. Size of the area as expressed in hundredths of acres (0.01 acre) (436 square feet) rounded up.	\$500 Base Price + (Discharge area in hundredths of an acre x \$21.50)
(ii) Dredging Discharges Dredge volume expressed in Cubic Yards.	\$500 Base Price + (Dredge volume in cubic yards x \$0.08)
(iii) Channel and Shoreline Discharges Includes linear discharges to drainage features and shorelines, e.g., bank stabilization, revetment and channelization projects. (Note): The fee for channel and shoreline linear discharges will be assessed under the "Fill and Excavation" or "Channel and Shoreline" schedules, whichever results in the higher fee.	\$500 Base Price + (Discharge length in feet x \$5.00)
(iv) Discharges to Non-federal (e.g. "Isolated") Waters. Discharges to waters or portions of waterbodies not regulated as "waters of the United States", including waters determined to be "isolated" pursuant to the findings of <i>Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers</i> (2001) 121 S. Ct. 675.	Double the applicable fee schedules except for (vi) restoration projects
(v) Low Impact Discharges. Projects may be classified as low impact discharges if they meet all of the following criteria: 1. The discharge size is less than all of the following: (a) for fill, 0.1 acre, and 200 linear feet, and (b) for dredging, 25 cubic yards. 2. The discharger demonstrates that: (a) all practicable measures will be taken to avoid impacts, (b) where unavoidable temporary impacts take place, waters and vegetation will be restored to pre-project conditions as quickly as practicable, and (c) where unavoidable permanent impacts take place, there will be no net loss of wetland, riparian area, or headwater functions, including onsite habitat, habitat connectivity, floodwater retention, and pollutant removal. 3. The discharge will not do any of the following: (a) directly or indirectly destabilize a bed of a receiving water, (b) contribute to significant cumulative effects, (c) cause pollution, contamination, or nuisance, (d) adversely affect candidate, threatened, or endangered species, (e) degrade water quality or beneficial uses, (f) be toxic, (g) include "hazardous" or "designated" material. 4. Discharge is to a waterbody regulated as "Waters of the United States".	\$500 Flat fee.
(vi) Restoration Projects. Projects funded or sponsored by a government program with the primary purpose of restoring or enhancing the beneficial uses of water. This schedule does not apply to projects required under a regulatory mandate or to projects undertaken primarily for some other non-restorative purpose, e.g., land development.	\$500 Flat fee
(vii) General Orders. Projects which are required to submit notification of a proposed discharge to the State and/or Regional Board as a condition of compliance with a general waste discharge requirement associated with permitting discharges authorized by a federal general permit or license, e.g., a U.S. Army Corps of Engineers nationwide permit.	\$60 Flat Fee

⁴ When a single project includes multiple discharges within a single dredge and fill fee category, the fee for that category shall be assessed based on the total area, volume, or length of discharge (as applicable) of the multiple discharges. When a single project includes discharges that are assessed under multiple fee categories, the total fee shall be the sum of the fees assessed under each applicable fee category; however a \$500 base fee, if required, shall be charged only once.

⁵ "Excavation" refers to moving sediment or soil in shallow waters or under no-flow conditions where impacts to beneficial uses are best described by the area of the discharge. It typically is done for purposes other than navigation. Examples include trenching for utility lines, other earthwork preliminary to construction, removing sediment to increase channel capacity, and aggregate mining in fresh waters.

(b) NPDES fees: Annual fees for persons issued permits for discharges to surface waters pursuant to the program, except confined animal feeding operations, shall be based on the following schedules.

(b)(1) Each public entity that owns and/or operates a storm water conveyance system, or part of such a system, that is subject to a NPDES permit for storm water discharges from a municipal separate storm sewer system (MS4) shall pay an annual fee according to the following schedule, plus applicable surcharge(s). The fee shall be based on the population of the public entity according to the most recently published United States Census. For public entities other than cities or counties, the population figure shall be the number of people using the entity's facilities on a daily basis. Flood control districts or other special districts named as co-permittees to MS4 permits and school districts, serving students between kindergarten and fourteenth grade, shall not pay an annual fee if the city or county within whose jurisdiction the district lies, pays an annual fee.

ANNUAL FEE SCHEDULE FOR AREAWIDE MUNICIPAL STORM WATER SEWER SYSTEM PERMITS AND CO-PERMITTEES	
Population equal to or greater than 250,000	\$25,000
Population between 200,000 and 249,999	\$21,875
Population between 150,000 and 199,999	\$18,875
Population between 100,000 and 149,999	\$15,625
Population between 75,000 and 99,999	\$12,500
Population between 50,000 and 74,999	\$9,375
Population between 25,000 and 49,999	\$6,250
Population between 10,000 and 24,999	\$3,750
Population between 1,000 and 9,999	\$2,500
Less than 1,000 population	\$1,250
Statewide Permit Holders	\$100,000

(b)(2) Storm water discharges associated with industrial activities that are regulated by a general NPDES storm water permit, including those issued by a Regional Board, shall pay an annual fee of \$700, plus applicable surcharge(s). An amount equal to the fee prescribed shall be submitted with the discharger's Notice of Intent (NOI) to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(b)(3) Storm water discharges associated with construction activities that are regulated by a general NPDES storm water permit other than those covered under (b)(4), including those issued by a Regional Board, shall pay an annual fee of \$200 plus \$20 per acre, to a maximum fee of \$2,200, plus any applicable surcharge, based on the total acreage listed on the NOI. An amount equal to the fee prescribed shall be submitted with the discharger's NOI to be regulated under a general NPDES permit and will serve as the first annual fee. For the purposes of this section, an NOI is considered to be a report of waste discharge.

(b)(4) Storm water discharges associated with small linear underground and overhead construction projects, that include but are not limited to, any conveyance, pipe or pipeline for the distribution of any gaseous liquid (including water for domestic municipal services or wastewater), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; and any cable line or wire for communications, that are regulated by a general NPDES storm water permit are subject to the following annual fees, plus applicable surcharge(s):

Tier 1 –\$5,000 for each region in which activities subject to the permit are conducted, or
Tier 2 –A fee as prescribed by (b)(3), based on the area covered by the project.

(b)(5) All other NPDES permitted discharges with permitted flows of less than 100 million gallons per day (mgd) except as provided in (b)(6), (b)(7), (b)(8), (b)(9) and c, shall pay a fee according to the following formula:

Fee = \$1,000 plus 3418 multiplied by the permitted flow, in mgd, to the maximum plus any applicable surcharge(s).

The maximum fee for NPDES permitted industrial discharges⁶ is \$35,000, plus any applicable surcharge(s). NPDES permitted industrial discharges with a Threat/complexity⁷ rating of 1A, 1B or 1C are subject to a surcharge as follows:

Threat /Category 1C - \$5,000

Threat /Category 1B - \$10,000

Threat /Category 1A - \$15,000

The maximum fee for NPDES permitted public wastewater treatment facilities is \$50,000, plus applicable surcharge(s). Public wastewater treatment facilities with approved pretreatment programs are subject to a surcharge of \$10,000. Agencies with multiple facilities under one approved pretreatment program shall pay a \$10,000 surcharge per program.

(b)(6) All NPDES discharges with permitted flows of 100 mgd or greater shall pay a fee of \$100,000, plus applicable surcharges. The fee shall be based on permitted effluent flow specified in the discharge permit, except as provided in (b)(7), (b)(8) and (b)(9). If there is no permitted effluent flow specified, the fee shall be based on the designed flow of the facility.

⁶ NPDES permitted industrial discharger(s) means those industries identified in the Standard Industrial Classification Manual, Bureau of the Budget, 1967, as amended and supplemented, under the category "Division D—Manufacturing" and such other classes of significant waste producers as, by regulation, the U.S. EPA Administrator deems appropriate. (33 USC Sec. 1362).

⁷ Threat/complexity categories are listed on page 2 of this document titled "THREAT TO WATER QUALITY".

(b)(7) Flow for wet weather municipal facilities will be based on the previous five years actual daily average flow, as of the date the permit is issued. Wet weather municipal facilities are intermittently operated facilities that are designed specifically to handle flows during wet weather conditions, and otherwise operate at less than ten percent of their permitted flows due to seasonal or other considerations. The actual daily average flow is the average of all the daily flows during the previous five-year period. The calculation does not include days when discharge did not occur.

(b)(8)(A) Discharges associated with aquaculture activities that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee based on the categories listed in (b)(9), as determined by the Regional Board. An aquaculture activity (as defined in Chapter 40, Section 122.25(b) of the Code of Federal Regulations) is a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals. The definition for purposes of this fee category includes fish hatcheries.

(B) Discharges associated with geothermal facilities, where water quality objectives are not likely to be exceeded or where beneficial uses are fully protected, that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee based on the categories listed in (b)(9), as determined by the Regional Board. A geothermal facility is an entity that utilizes, extracts, or produces energy from geothermal fluids for heating, generating power, or other beneficial uses, and discharges geothermal fluids to surface water.

(C) De minimis discharges that are regulated by an individual or general NPDES permit, including those issued by a Regional Board, shall pay a fee based on the categories listed in (b)(9), as determined by the Regional Board. De minimis discharge activities include the following: evaporative condensate; swimming and landscape pool drainage; discharges from fire hydrant testing or flushing; discharges resulting from construction dewatering; discharges associated with supply well installation, development, test pumping, and purging; discharges resulting from the maintenance of uncontaminated water supply wells, pipelines, tanks, etc.; discharges resulting from hydrostatic testing of water supply vessels, pipelines, tanks, etc.; discharges resulting from the disinfection of water supply pipelines, tanks, reservoirs, etc.; discharges from water supply systems resulting from system failures, pressure releases, etc.; discharges of non-contact cooling water, not including steam/electric power plants; discharges resulting from diverted stream flows; water treatment plant discharges; and other similar types of wastes that have low pollutant concentrations and are not likely to cause or have a reasonable potential to cause or contribute to an adverse affect on the beneficial uses of receiving waters yet technically must be regulated under an NPDES permit.

(D) All other NPDES general permits.

(b)(9) Discharges that fall within the categories specified in (b)(8) or that are regulated by a general NPDES permit (excluding storm water permits), shall pay a fee as follows, plus applicable surcharge(s):

Category 1 - Discharges that require treatment systems to meet priority toxic pollutant limits and that could impair beneficial uses if limits are violated: \$4,800.

Category 2 - Discharges that require treatment systems to meet non-priority pollutant limits, but are not expected to impair beneficial uses if limits are violated: \$2,900. (Examples of non-priority pollutants include, but are not limited to, nutrients, inorganic compounds, pH, and temperature).

Category 3 - Discharges that require minimal or no treatment systems to meet limits and pose no significant threat to water quality: \$1,000.

(c) Confined Animal Feeding Operation fees: Whether regulated by an NPDES permit or a waste discharge requirement order, dischargers who own or operate Confined Animal Feedlots, including dairies, shall pay a fee based on the following schedules plus applicable surcharge(s).

FEEDLOTS	
TYPE OF FACILITY	FEE
Cattle or cow/calf pairs	
Number of animals	
100,000 or more	\$3,000
10,000 to 99,999	\$1,500
5,000 to 9,999	\$800
1,000 to 4,999	\$400
Less than 1,000	\$200
Calves	
10,000 or more	\$3,000
5,000 to 9,999	\$1,500
1,000 to 4,999	\$800
300 to 999	\$400
Less than 300	\$200
Heifers (not at a dairy)	
10,000 or more	\$3,000
5,000 to 9,999	\$1,500
1,000 to 4,999	\$800
300 to 999	\$400
Less than 300	\$200
Finishing Yards/Auction Yards	
1,000 or more	\$800
300 to 999	\$400
Less than 300	\$200

DAIRIES	
TYPE OF FACILITY	FEE
Mature dairy cattle	
Number of animals	
3,000 or more	\$4,000
1,500 to 2,999	\$2,500
700 to 1,499	\$1,200
300 to 699	\$600
Less than 300	\$300
Goat Dairies	
1,000 or more	\$400
Less than 1,000	\$200
HOGS	
Swine (> 55 pounds)	
5,000 or more	\$1,500
2,500 to 4,999	\$800
750 to 2,499	\$400
Less than 750	\$200
Swine (< 55 pounds)	
20,000 or more	\$1,500
10,000 to 19,999	\$800
3,000 to 9,999	\$400
Less than 3,000	\$200
OTHER	
Horses	
500 or more	\$800
150 to 499	\$400
Less than 150	\$200
Sheep or Lambs	
10,000 or more	\$800
3,000 to 9,999	\$400
Less than 3,000	\$200

POULTRY		
Number of Animals	On-Site Discharge Fee	Off-Site Discharge Fee
Layers or Broilers (liquid manure system)		
120,000 or more	\$2,000	\$700
60,000 to 119,999	\$1,000	\$500
30,000 to 59,999	\$750	\$350
9,000 to 29,999	\$400	\$200
Less than 9,000	\$200	\$0
Non-layers (other than liquid manure system)		
500,000 or more	\$2,000	\$700
250,000 to 499,999	\$1,000	\$500
125,000 to 249,999	\$750	\$350
37,500 to 124,999	\$400	\$200
Less than 37,500	\$200	\$0
Layers (other than liquid manure system)		
350,000 or more	\$2,000	\$700
165,000 to 349,999	\$1,000	\$500
82,000 to 164,999	\$750	\$350
25,000 to 81,999	\$400	\$200
Less than 25,000	\$200	\$0
Ducks (other than liquid manure system)		
120,000 or more	\$2,000	\$700
60,000 to 119,999	\$1,000	\$500
30,000 to 59,999	\$750	\$350
10,000 to 29,999	\$400	\$200
Less than 10,000	\$200	\$0
Ducks (liquid manure system)		
20,000 or more	\$1,000	
5,000 to 19,999	\$750	
1,500 to 4,999	\$400	
Less than 1,500	\$200	
Turkeys		
200,000 or more	\$2,000	\$700
100,000 to 199,999	\$1,000	\$500
55,000 to 99,999	\$750	\$350
16,500 to 54,999	\$400	\$200
Less than 16,500	\$200	\$0

(c)(1) Facilities that are certified under a quality assurance program approved by the State Board or under a County regulatory program approved by the appropriate Regional Board, will receive a 50 percent fee reduction.

(c)(2) Facilities that pose no potential to discharge, as determined by a Regional Board, shall pay a fee of \$200. The fee shall be paid each time an application for initial certification or renewal is submitted and shall not be subject to ambient water monitoring surcharges.

Section 2200.5. No Exposure Certification

Dischargers filing an application for a No Exposure Certification (NEC) shall pay a fee of \$200 for each facility for which an application is submitted, as prescribed in a general industrial storm water permit. The fee shall be paid each time an application for initial certification or renewal is submitted. NEC fees are not subject to ambient water monitoring surcharges.

NOTE: *Authority cited: Section 185 and 1058, Water Code. Reference: Section 13260.2, Water Code.*